

REMARKS

This paper is in response to the Office Action of April 22, 2003. The due date for response extends to August 22, 2003. A one month extension of time is hereby petitioned for to extend the period to August 22, 2003. Claims 17-24 have been added. Claims 13-16 have been cancelled.

The Applicant thanks the Examiner for his time and consideration of the present application, and for the Examiner conference. To better define the claimed invention, the Applicant has amended the claims, and added claims that further define aspects of the claimed invention.

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,619,247 to James Russo (Russo) in view of U.S. Patent No. 5,530,754 to Norton Garfinkle (Garfinkle) and U.S. Patent No. 5,809,145 to David Slik (Slik). In view of the amendments and remarks presented herein, the Applicants respectfully traverse the current rejection.

Claim 1, for example was amended as follows:

1. A system for providing access to primary media content in digital form, comprising:

a server network comprising a download management server, a customer database storing user information, and a primary content database storing primary media content;

a client console connectable for establishing a communications link through a bi-directional communications network to said download management server, the client console storing user specific information;

a detachable storage media installable in said client console; said detachable storage media having a media identifier, wherein the media identifier is combined with the user specific information to define a user identifier, the user identifier is uploaded to said download management server to enable access to specified content in said primary media content database, said specified content and said user information is downloaded to said client console, the specified content being associated with **billing trigger data** to enable monitoring of when specific portions of the specified content is accessed for use at said client console, the monitoring being configured to generate a record of used content, the record of used content being communicated back to the

management server to record a revenue bearing event in the customer database.

As can be seen, the claim has been amended to clarify that the media identifier is *combined* with the user specific information to define a *user identifier*. This combination is not taught nor suggested by the art of record. Most importantly, the claim has been amended to specifically claim that the "specified content" is associated with "billing trigger data." The billing trigger data, as shown in Figure 4 of Applicant's specification, is associated with the content 415. As defined in the claim, the billing trigger data is used to enable monitoring of the what specific portions of the specified content is accessed for use at the client console. Thus, a billing event does not occur when the content is downloaded, but alternatively, the billing trigger data sits with the content (without billing the user) until access for use has occurred at the client console. Once access is completed or use has been established, billing usage is communicated back to the server (e.g., management server) to record the revenue bearing event in the customer database.

In Russo, however, the goal is to provide "pay-per-view" capability to users of a service (similar to commercially available TiVo Services). Content can be selected and then downloaded to the play/record controller. The nature of "pay-per-view" systems which are typically offered by cable companies is that the content is limited to available content being broadcasted during a particular period of time. The users, according to Russo can then select particular programs from an index of programs that may be available now or may be available in the future. The user can then make his or her selection and the system will record the selected programming when it becomes available. Unlike the present invention, which does not depend on a broadcasted signal to obtain content, the users of Russo must rely on "recording" of data for later viewing. Although Russo talks about downloading a particular tune for immediate reception, the user is allowed to access the tune through a multi-channel source. Col. 7, lines 15-22. However, downloading immediately depends on whether the multi-channel source is actually broadcasting the tune at that time. To ascertain when particular programming will be available, the user will be required to look to a schedule, which is updated to schedule memory 136 from time to time. Refer also to Col. 9, lines 60-67, where Russo says that "In most cases, a user may be given a list of titles available, from which to make direct choices." In Russo, therefore, the use would be allowed to scroll through a list of titles of previously stored programs, and then select programs to view. Col. 10, lines 54-66. As apparent from the teachings of Russo, a user is restricted to accessing

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data based on whether data is being broadcasted, and therefore, Russo teaches recording such programs automatically for the user for later viewing. As the user is not necessarily viewing the programming when downloading is occurring, Russo teaches only billing the user when the program is used.

The Examiner points to Garfinkle to teach an association between an "end user" and "content." Specifically, the Examiner points to Col. 4, lines 2-6 and 59-65. Garfinkle teaches sending identifier data for the desired product & a site identifier. However, Garfinkle does not associate a media identifier with user information to define a user identifier. This association is not the same, and Garfinkle does not teach linking a media ID of a detachable media with a user. In addition, Garfinkle also teaches that the user is "billed" *when* the product is downloaded. This teaching contradicts the teachings of Russo. However, because Garfinkle teaches on-demand video, the user necessarily must be billed when the download is complete.

With the teachings of the main prior art references in mind, and noting that such references conflict in their teachings, one of skill in the art looking at Russo would not necessarily be motivated to look to Garfinkle, since a main objective of Garfinkle is to not bill until the product is actually viewed.

Referring to the claimed invention, as now amended, the claims require a detachable storage media having a media identifier. From the Applicant's examination of the cited art, there is no mention that a detachable storage media be provided. In fact, Russo relies on its proprietary system to control the navigation, and the system already has a pre-established account with the content provider. In contrast, in the claimed invention, there is no need for a system to already be in established contact with a provider. By simply inputting the detachable storage media, a communication link is established with a download management server. The same detachable storage media can therefore be installed into any system, not necessarily the system of a particular subscriber. Thus, before communication to obtain content is initiated, the "media identifier" and the "user specific information" are combined. As claimed, once combined, a user identifier is defined. The user identifier can then, after the combination, be used to access specified content in the primary media database. When the specified content is returned to the user, the user identifier is again sent back with the

specified content. In accordance with the claims, the specified content is associated with billing trigger data, as mentioned above.

It is respectfully submitted that neither Russo, nor the associated secondary references teach the coupling of the "detachable storage media" having an media ID, with user information to form a "*user identifier*." The user identifier is then, as claimed, transmitted to the download management sever when a "request" is made for content, and then the content is returned back to the user with the same "user identifier." However, when returned, the content *also includes the billing trigger data*. Accordingly, the Applicant respectfully requests that the Examiner consider the now claimed elements in detail, and notice the claimed combination is neither taught by one of the single reference, nor is the claimed invention suggested by the combined teachings. For at least there reasons, the Examiner is requested to withdraw the Section 103 rejection of pending claims 1-12.

New claims 17-24 are presented to further define the claimed invention.

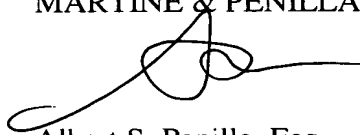
17. A method for obtaining media content at a client computer, comprising:
 - communicating a request from the client computer to a content provider for specified content, the request including a media ID of a detachable media and user information, the media ID and the user information defining a user identifier;
 - downloading the specified content to the client computer, the specified content being associated with billing triggering data, the billing triggering data being configured to assist in tracking when portions of the specified content is used at the client computer; and
 - returning information regarding the tracked usage of the portions of the specified content to the content provider.

From a close reading of the new claims, the Examiner is requested to take note that a detachable media is defined to enable the combination of a media ID with user information. This combination is, as claimed, used to define the "user identifier." The specified content is also associated with the billing trigger data, as shown in Figure 4. As discussed above, neither of the cited references teach the combination of the media ID with the user information to define the user identifier. Accordingly, for at least the same reasons discussed above, the Applicant submits that the combined cited art of records fails to suggest the newly presented claims. The arguments presented herein fully apply to newly added claim 24.

A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SONYP002). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE & PENILLA, LLP

A handwritten signature in black ink, appearing to be 'Albert S. Penilla', written over a horizontal line.

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